IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

FRIDAY, THE 25TH JANUARY 2008 / 5TH MAGHA 1929

CRL.REVISION CASE NO. 2 of 2007()

CRA.750/2005 of ADDL. DISTRICT COURT-II, MAVELIKKARA
CP.93/2004 of J.M.F.C.,MAVELIKKARA

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PETITIONERS

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1. SMT. CHELLAMMA, AGED 60 YRS.
SAKTHIVILASAM HOUSE, OTTACKAL MURI,
THENMALA VILLAGE, PATHANAPURAM TALUK,

2. SMT. THANKAMMA, AGED 63 YEARS.
PARAVILA VEEDU
OTTACKAL MURI,
THENMALA VILLAGE, PATHANAPURAM TALUK,

RESPONDENT:

STATE OF KERALA

BY PUBLIC PROSECUTOR SRI. K.S. SIVAKUMAR

THIS CRIMINAL REVISION CASE HAVING COME UP FOR ADMISSION ON 16/01/2007, THE COURT ON 25/01/2008 DELIVERED THE FOLLOWING:

V. RAMKUMAR, J.

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Crl. Revision Case No. 2 of 2007

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Dated: 25-01-2008

ORDER

The petitioners who are two ladies Chellamma and Thankamma stood as sureties to one P.T. Soman who was the accused in C.C. 325 of 2003 on the file of J.F.C.M.-I, Punalur. Consequent on the non-appearance of the said Soman, the learned Magistrate initiated proceedings against the petitioners under Sec. 446 Cr.P.C. by registering M.C. No. 38 of 2005. They did not respond to the notice issued to them . Accordingly, on 13-06-2006 the bond amount of Rs. 2000/- was imposed as penalty on each of the petitioners as well as the accused P.T. Soman. Subsequently, the accused was arrested and produced before Court and his case was split up and re-registered as C.C. No. 1461 of 2006 and he was remanded to judicial custody and after the completion of trial he was found not guilty and acquitted on 1-9-2007. In the meanwhile proceedings were initiated against these two ladies for recovery of the penalty imposed on them. It was at that stage that the petitioners moved the Chief Minister by filing a petition and their petition was forwarded to the High Court. Thereafter the matter was posted on the judicial side resulting in the

registration of this Crl. Revision Case.

2. Eventhough the petitioners have a statutory right of appeal under Sec. 449 Cr.P.C., having regard to the fact that the petitioners are two hapless women and having further regard to the impecunious circumstances in which they are placed, I am inclined to reduce the penalty to Rs. 750/- each. The petitioners shall pay the reduced penalty of Rs. 750/- each within two months from today. In case the penalty as fixed above is ultimately found to be irrecoverable, the petitioners shall undergo imprisonment in the civil prison for a period of one month each.

This Criminal Revision Case is answered as above.

V. RAMKUMAR,
(JUDGE)

A copy of the order shall be communicated to the petitioners directly or through Government.

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